

### Remarks

Reconsideration and continued examination of this application is requested in view of the amendments above and the remarks that follow.

The undersigned wishes to thank Examiner Phan for the courtesy of an in-person interview scheduled for December 10, 2002, to discuss the matters raised herein.

Claims 1-39 have been canceled in favor of newly formulated claims 40-59. Support for the new claims can be found throughout the specification, but particularly: FIG. 1 and its associated description; page 4 lines 21-31; page 8 lines 3-13 and 19-22; page 11 lines 4-9; page 13 lines 9-27; and the Examples beginning on page 15 and the test results thereof. No new matter has been added.

In the Office Action, claims 26-39 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. This objection is rendered moot by cancellation of those claims.

In the Office Action, claims 1-39 were rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-20 of U.S. Patent 5,450,235 (Smith et al.), over claims 1-29 of U.S. Patent 5,988,820 (Huang et al.), and over claims 1-38 of U.S. Patent 6,350,035 (Smith et al.). Although this objection is technically rendered moot by cancellation of those claims, Applicants nevertheless submit herewith terminal disclaimers over the cited patents to expedite prosecution hereof.

Claims 1, 8-10, 13-17, 19, and 24 were rejected under 35 U.S.C. § 103(a) over U.S. Patent 5,491,596 (Phillips) or U.S. Patent 5,642,222 (Phillips) in view of the Plastics Digest reference. This rejection is also rendered moot by cancellation of the rejected claims.

The newly submitted claims are drafted using simple “first layer” and “second layer” language in connection with the retroreflective sheeting. All of the newly submitted claims—directly or indirectly through independent claims 40 and 52—require both a relatively small upper elastic modulus limit ( $7 \times 10^8$  pascals) for one of the layers of the retroreflective sheeting and a relatively large lower elastic modulus limit ( $20 \times 10^8$  pascals) for the other layer in which is formed the cube corner elements, which combination was earlier indicated to be allowable over the Phillips/Plastics Digest references. Moreover, the new claims also include a requirement that the second layer attaches directly or through a thin coating to the first layer, where the thin coating (if present) may for instance be of the type that promotes adhesion between the first and second layers.

Conclusion

The claims are believed to be in condition for allowance for the foregoing reasons.  
Early notification thereof is earnestly solicited.

Beyond the fee for an extension of time under Rule 136(a) authorized above, no fee is  
believed to be due by submission of this paper. If this belief is in error, please charge any  
required fee to Deposit Account No. 13-3723.

Respectfully submitted,

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